

### **REMARKS**

The application contains claims 1-27 and 66-67. All claims stand rejected over the prior art. In view of the following remarks, Applicants respectfully request allowance of the application.

All claims stand rejected as obvious over Shneiderman, et al., *Direct Annotation: A Drag-and-Drop Strategy for Labeling Photos* (July 2000) and secondary art. Specifically, claims 1-27 are considered obvious over Shneiderman and Mizoguchi (EPO 0 678 816) and claims 58-65 are considered obvious over Shneiderman and Astle (U.S.P. 5,485,611). Applicants respectfully request withdrawal of the outstanding rejections because the prior art, even if considered collectively, does not teach or suggest all elements of the pending claims.

### **THE FEBRUARY 9, 2006 INTERVIEW**

At the outset, Applicants thank the Examiner for the courtesy of the telephonic interview with the undersigned. At the interview, Applicants explained the significance of the use of groups in the invention – people develop a pool of shared experiences due to their membership in social groups (e.g., members of sports teams, classmates in school, clubs). The present invention uses this concept to tailor indexing and retrieval processes in an archive of digital media items.

During the interview, Applicants' representative explained that, although Schneiderman discloses storage of index information for photographs, including identifiers of people, events and time, Shneiderman does so in a different way. Shneiderman does not disclose anything that leverages the episodic memory or group nostalgia common to a strong social group of people. He discloses a system for annotating digital photographs in which users can identify people within the photographs through a drag-and-drop operation from a master list of people (FIG. 4). If a person's name is not provided on the master list, the user may enter the person's

name manually. Theoretically, an infinite number of people can be added to the list. Shneiderman never describes his system in connection with a predetermined group of people.<sup>1</sup>

During the interview, the Examiner agreed that Shneiderman's list of people (FIG. 4) is a master list. The Examiner suggested the differences between Shneiderman's system and the claims were minor and therefore may not be sufficient for patentability. As explained below, Applicants respectfully submit that the claim fully meet the legal requirements for patentability.

### **THE REFERENCES DO NOT ESTABLISH OBVIOUSNESS**

A rejection for obviousness is proper only if two requirements are met: 1) the cited references collectively must disclose all elements of the claims, and 2) the references must contain some teaching or suggestion to combine the teachings of the references to arrive at the claimed invention. MPEP § 2142. Here, the cited prior art does not teach or suggest all elements of these claims. Specifically, none of the references disclose ***determining whether a user is a member of a predetermined group*** or providing queries to the user that list ***persons and events specific to the group***. The claims describe these feature in different ways and, therefore, are discussed separately below.

#### **Claims 1-27 Define over Shneiderman and Mizoguchi.**

Claim 1 is a method claim that recites, in part:

receiving a ***user input identifying a group of users*** to which an archiving user belongs;

receiving archiving input data identifying: a digital media item to be archived for the group, the user's selection of zero or more group event types ***from a predetermined plurality of group event types specific to the group***, the

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<sup>1</sup>Indeed, Shneiderman clearly states that his system is for ***personal*** photo libraries. Any group is only loosely implied through the number of times a name is used for annotation and therefore their position on the drop down menu. Even then it becomes the group of most relevant people to that user, it does not become a group of relevance to the others on the list. Because the group does not necessarily have relevance outside the individual user then the relevance of the information archived is entirely unpredictable to others on the list. By contrast, the system of the present invention can predict a high relevance factor to all users in the predetermined group and, therefore, offer queries to users in which lists of people and event types are determined ***by reference to the group***.

user's selection of zero or more ***persons in the group***, and the user's selection of a time period;

Shneiderman and Mizoguchi simply fail to teach or suggest this subject matter.

Shneiderman discloses a drag-and-drop annotation process for photographs but he fails to disclose receiving a user input that identifies a group of users to which an archiving user belongs. The Office Action argues that Shneiderman teaches a log on process in FIG. 4, because the title bar of the application window reads "C:\My Photos\samplehclibrary.mdb." Respectfully, this is incorrect. First, the My Photos reference merely shows a computer storage location; it is not a logon. Second, even if a logon were implied, logons conventionally identify individuals. There is no disclosure to support an inference that Shneiderman's system determines whether an individual user is a member of a group of users.

Shneiderman's queries do not provide queries in which event types or people ***are tied to a predetermined group***. Although Shneiderman refers to event data generally (p. 6, second column), he does not state how event data is entered. It could be freestyle text like the title shown in FIG. 4. Shneiderman certainly does not state that event data is entered by a user's selection ***from among a plurality of group event types specific to the group***.

Additionally, Shneiderman discloses drag-and-drop annotation of photos to identify people in the photos but he does not state that the drag-and-drop process works ***from a set of persons associated with a group***. Shneiderman simply fails to disclose the basic relationship that event types and people are associated with groups of users. Claim 1 is not obvious over this art. Claims 1-27, therefore, are allowable.

Mizoguchi also fails to disclose this subject matter. Mizoguchi's system annotates photos taken in a digital camera with information stored in an on-camera calendar system. There is no mention of groups and no mention of altering queries to a user based on group information previously obtained.

During the interview, the Examiner characterized the references' failure to describe groups as a minor omission. Applicants respectfully disagree. First, the legal standard for obviousness does not permit the Office to decide which elements are important and which are not. Under the proper standard, the Office must find prior art that discloses all elements of the

claims, MPEP § 2142, not just the so-called 'important elements.' Here, the prior art fails this requirement. Second, the specification clearly explains that the use of group-based indexing and retrieval operations can provide significant benefits to a user's interaction with an archiving system. See, specification, pp. 1-3 and elsewhere.

Applicants respectfully submit that claims 1-27 are allowable over the prior art.

### **Claims 58-65 Define Over Shneiderman and Astle**

Pending claims 58-65 recite features of the invention slightly differently. For example, claim 58 states:

authenticating an operator *as a member of a group of users*,  
identifying candidate identification values *based upon the group with whom the operator is authenticated*,  
querying the operator for selection of identification data to be associated with a digital media item, the query identifying the candidate identification values and *including valid selections of an event type and persons from the group* and time,

Here, a query identifies candidate identification values which are based upon a group with whom an operator has been authenticated. This language clearly distinguishes over Shneiderman's disclosure.

As described, Shneiderman has no disclosure regarding authentication of an operator as a member of any group. Schneiderman presents a master list of people in the user interface of FIG. 4; he does not tailor his list of people based upon any group. Additionally, he has no explanation to indicate how event data is entered in his system. He certainly does not disclose any query in which valid selections of an event type are presented. Claim 58 defines over the cited art on this basis.

### **Claims 66-67 Define Over the Cited Art**

Independent claim 66 recites:

receiving a user input identifying a social group to which an archiving user belongs;

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Serial No. 09/670,635  
Response to Office Action mailed December 12, 2005

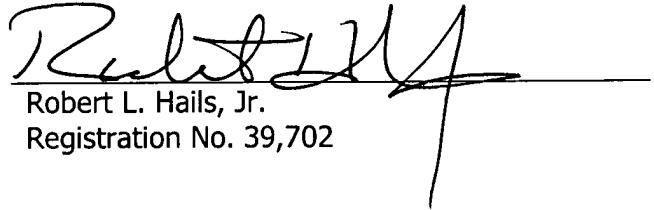
building a database that includes ••• index information created from archiving input data identifying a user's response to a query that identifies a plurality of event types ***previously registered as associated with the social group, and persons previously registered as members of the social group.***

The cited art fails to teach this subject matter as well. There is no prior registration process disclosed in Shneiderman, either for event types or persons. In Shneiderman's system, operators enter people's names on the fly. As noted above, Shneiderman does not describe how event information is stored in his system. These claims clearly define over the cited art.

In view of the foregoing, Applicants respectfully request allowance of the application.

Respectfully submitted,

Date: February 10, 2006



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